

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL L. SPUCK,)
)
 Plaintiff,) Case No. 1:07-cv-310-SJM-SPB
)
)
v.)
)
FORMER GOVERNOR THOMAS)
RIDGE, *et al.*,)
)
 Defendants.)

MEMORANDUM ORDER

Plaintiff's complaint in the instant civil rights action was received by the Clerk of Court on November 6, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. By Memorandum Order dated January 5, 2009 [37], this Court adopted the Magistrate Judge's Report and Recommendation to dismiss Plaintiff's claims in their entirety, and the case was closed. Plaintiff subsequently took an appeal and the Court's January 5, 2009 Memorandum Order was affirmed by the Third Circuit Court of Appeals on October 6, 2009 [43].

Plaintiff subsequently filed a motion to reopen the case [56]. That motion was denied via a Text Order entered by this Court on October 10, 2012.

Currently pending is Plaintiff's motion for reconsideration and/or reargument [67] relative to my October 10, 2012 Text Order. However, after filing his motion for reconsideration and/or reargument, Plaintiff appealed my October 10, 2012 ruling to the Third Circuit Court of Appeals. Pursuant to Rule 62.1 of the Federal Rules of Civil

Procedure, my options are limited to the following: (1) defer consideration of Plaintiff's pending motion; (2) deny the motion outright; or (3) state either that I would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue. Fed. R. Civ. P. 62.1(a). Accordingly, the following Order is entered:

AND NOW, to wit, this 10th Day of June, 2013, upon consideration of Plaintiff's motion for reconsideration and/or reargument [67],

IT IS HEREBY ORDERED that said motion is DENIED.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
Chief United States District Judge

Cm: All counsel of record.

Daniel L. Spuck
CZ-4825
SRCF Mercer
801 Butler Pike
Mercer, PA 16137

U.S. Magistrate Judge Susan Paradise Baxter